

## REMARKS

### I. Status of the Claims

Claims 1, 3 and 5-7 are pending in the application. Claims 1, 3 and 5-7 are rejected under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement.

The Examiner issued an Office Action on October 25, 2004. This Action, however, was never received by Applicants due to a U.S. Patent and Trademark Office error. Applicants therefore requested that the Office Action be re-dated, and the U.S. Patent and Trademark Office issued the Office Action again on January 28, 2005. Applicants understand that the Office Action of January 28, 2005, supersedes the previous Office Action dated October 25, 2004, which is vacated.

### II. Claims 1, 3 and 5-7 Are Patentable under 35 U.S.C. § 112, First Paragraph

Claims 1, 3 and 5-7 have been rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement as including new matter not supported by the original disclosure. The Examiner alleged that the specification and claims as originally filed do not provide support for the invention as in claim 1 as presently amended. In particular, the Examiner argued that the recitation of part (a) of claim 1--providing a recombinant cell expressing an MHC class I protein-fluorescent protein fusion molecule or a radiolabeled MHC class I protein on a surface of the recombinant cell--was not present in the original claims and is not supported by the specification. Applicants traverse the rejection.

The method of claims 1, 3 and 5-7, as amended in the response filed June 6, 2004, finds support in the specification as filed. Claim 1 as amended provides a method for the detection of antigen specific T cells comprising, in part, providing a recombinant cell expressing an MHC class I protein-fluorescent protein fusion molecule or a radiolabeled MHC class I protein on a surface of the recombinant cell. Support for this claim recitation can be found in the specification, *e.g.*, on page 1, lines 20-22, on page 4, lines 12-14, and on page 4 line 31 to page 5, line 7. The specification on pages 4 to 5 discloses multiple recombinant cell types that express a detectable MHC class I fusion protein, where the MHC

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**PATENT**

class I fusion protein may be detectable by a variety of means, *e.g.*, fluorescence or radiolabel. The specification provides further support for the entire claimed method, including the contacting, incubating, and identifying steps. See, for example, page 4, lines 2-11.

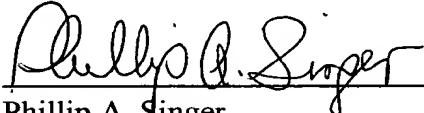
Thus, although the present claims do not have verbatim basis in the original specification, the original disclosure provides adequate support for the invention as now claimed. Accordingly, Applicants respectfully request that the rejection of claims 1, 3 and 5-7 under 35 U.S.C. § 112, first paragraph, be withdrawn.

### **III. Conclusion**

In view of the foregoing, the application is now in condition for allowance. The prompt issuance of a formal Notice of Allowance is therefore requested.

If the Examiner believes a telephone conference would expedite allowance of this application, please telephone the undersigned at 206-332-1380.

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